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EXAMINER	
NGUYEN, TAN D	
ART UNIT	PAPER NUMBER
3689	

NOTIFICATION DATE	DELIVERY MODE
10/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/881,001	LOF ET AL.	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 August 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,16 and 18-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,16 and 18-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims Status

1. Claims 15-16, 18-30 (method) are pending. Claims 15, 18-19 and 22 have been amended. Claims 1-14 have been withdrawn. Claims 15-16, 18-30 are active and are rejected as followed. Claim 17 is canceled.

As of 12/18/2009, independent method claim 15 is as followed:

Claim 15 (Currently Amended): A method for coordinating power output from a renewable power production facility with another power production facility so as to implement a virtual energy storage mechanism for the renewable power production facility, comprising steps of:

a) producing and applying to transmission lines a predetermined amount of electric power collectively provided by from the renewable power production facility and from said another power production facility, said renewable power production facility applying a variable amount of electric power, and said another power production facility applying a controllable amount of electric power;

b) determining with a hardware processor that a produced amount of power produced by the renewable power production facility deviates from a threshold by a predetermined quantity;

c) informing via digital communications said another power production facility of said predetermined quantity;

d) adjusting and applying to the transmission lines a power output of said another power production facility by an amount that corresponds with said predetermined quantity and compensating for any deviation from the threshold by the renewable power production facility and have a resultant total power produced by or on behalf of the renewable power production facility to be approximately at said threshold; and

e) keeping an account balance in a computer storage memory of an amount of energy, and subsequently fulfilling a production obligation of said renewable power production facility and producing said amount of energy by the another power production facility on behalf of the renewable power production facility, wherein said another power production facility serves as the virtual energy storage mechanism by releasing stored resources to and processing power that covers a production shortfall by said renewable power production facility, and by increasing potential energy capturing and storing resources at the another power production facility that offsets a production surplus by the renewable power production facility.

Note that for convenience, letters (a)-(e) are inserted before each step.

II. Facts Finding

1) Term: threshold:

Main Entry: **thresh·old**

Function: *noun*

Date: before 12th century

1 : the plank, stone, or piece of timber that lies under a door **:** SILL

> **2 a :** GATE, DOOR **b** (1) **:** END, BOUNDARY; *specifically* **:** the end of a runway (2) **:** the place or point of entering or beginning **:** OUTSET <on the *threshold* of a new age>
>
> **3 a :** the point at which a physiological or psychological effect begins to be produced <has a high *threshold* for pain>
> **b :** a level, point, or value above which something is true or will take place and below which it is not or will not

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 15-16, 18-30 (method) are rejected under 35 U.S.C. 103(a) as obvious over (1) JAUNICH (US 6,605,880) in view of (2) TSUI (US 2003/0040847).**

As for independent method claim 15, in a similar method for coordinating power output between several power generators/producers wherein one of the power generator/producer is a renewable power (wind energy generator), **JAUNICH** discloses the steps of:

(a) producing and applying to transmission lines a predetermined amount of electric power collectively provided by the renewable power production facility and from said other another power production facility, said renewable power production facility applying a variable about of electric power, and said another power production facility applying a controllable amount of electric power;

{see Fig. 1, "wind generator 16", "secondary generator 28", "power transmission system 24", "utility company 12", col. 1, lines 10-15, 48-58, col. 2, lines 1-40, col. 3, lines 26-67, col. 4, lines 20-45}:

b) determining with a hardware processor that a produced amount of power of power produced by the renewable power production facility deviates from a threshold (a level, point, or value above which something is true or will take place and below which it is not or will not), by a predetermined quantity;

{see Fig. 1, col. 2, lines 8-40, col. 3, lines 3-50, col. 4, lines 5-67 "... *control of ...may be done automatically by* ***a computer system***..."}

c) informing via digital communications said another power production facility of said predetermined quantity;

{see Fig. 1, col. 2, lines 8-40, col. 4, lines 5-45}

d) adjusting and applying to the transmission lines a power output of said another power production facility by an amount that corresponds with said predetermined quantity and compensating for any deviation from the threshold by the renewable power production facility and have a resultant total power produced by or on behalf of the renewable power production facility to be approximately at said threshold; and

{see Fig. 1, col. 4, lines 5-45}

e) keeping in a memory of an amount of energy (readings from meters), and subsequently fulfilling a prosecution obligation of said renewable power production facility and producing said amount of energy by the another power production facility on behalf of the renewable power production facility, wherein said another power production facility serves as the virtual energy storage mechanism by releasing stored resources to and processing power that covers a production shortfall by said renewable power production facility, and by increasing potential energy capturing and storing resources at the another power production facility that offsets a production surplus by the renewable power production facility.

{see Fig. 1, col. 2, lines 35-40, "…*wind company 10 and utility company 12 communicate over communication link 14 and* ***agree on a desired quantity of electric power that a wind company will provide***. *Wind generator is the primary source for*

*the electric power**... the total number of megawatts that wind company 10 has agreed to produce***..."*, and

col. 4, lines 5-65 "***reading from meter*** *... be done automatically by* ***a computer system****...* ***utility company 12 pays wind company 10, ... for electric power generated by wind generator 16****... consumer 40, in turn, pays utility company 12, as shown by cash flow 48, for the electric power consumed... wind company 10 can generate electric power over and above* ***what is required by utility company to sell on the open market ... consumers*** *...* ***purchase electric energy that was generated by a more environmentally friendly means****...".*

As for the phrase "subsequent fulfilling an obligation by the renewable power production" in step (e), this is inherently included in the teaching of step (e) of JAUNICH (meter readings ...by a computer system) in order to **meet the desired quantity (total number of megawatts) of electric power that a wind company has agreed to produce based on an agreement** with the utility company in a certain time frame (period) and in order to provide friendly energy desired by the consumer.

As for the term "a threshold", this appears to be equivalent to the terms such "agreed amount", or "a required amount", or "what is required", "levels of electricity output" as taught by JAUNICH on cols. 2 and 4. Alternatively, the use of other similar terms such "agreed amount", or "a required amount", or "what is required", "levels of electricity output" as shown on cols. 2 and 4, would have been obvious as mere using other similar terms to achieve similar results.

As for the limitation of "another power production facility serves as the virtual energy storage mechanism", this is inherently included in the teachings of JAUNICH as cited above.

JAUNICH appears to teach the claimed invention except for explicitly disclosing the term "an account balance" in step (e), even thought this maybe inherently included in the teaching of step (e) of JAUNICH (meter readings …by a computer system) in order to provide **proper billing** (payment for energy generated/received) by the utility company as well as meeting the desired quantity of electric power that a wind company will provide based on an agreement with the utility company in order to provide friendly energy desired by the consumer.

In a similar method and system for managing utility power use in a network of energy suppliers, **TSUI** teaches the use of an account balance in a computer system to keep track of an amount of energy, and subsequently fulfilling a production obligation of the amount of energy owed by the participant's energy account to **effectively manage** and **utilize** their power supply as well as position the participants for effective operation in a changing environment relating to the same {see Fig. 1, pars. 0004, 0016, 0019, 0059, 0068 and especially par. 0072]}.

Therefore, it would have been obvious to a person having ordinary skill in the art (herein after as "PHOSITA") at the time of the invention was made to modify the energy management system of JAUNICH by including the teaches the use of an account balance in a computer system to keep track of an amount of energy, and subsequently fulfilling a production obligation of the amount of energy owed by the participant's

energy account **to effectively manage and utilize their power supply** as well as position the participants for effective operation in a changing environment relating to the same {see pars. 0004, 0016, 0019, 0059, 0068 and especially par. 0072]}.

As for dep. claim 16 (part of 15 above), which deals with the type of renewable power, i.e. wind turbine, this is taught in Fig. 1, cols 1, lines 53-55, col. 2, lines 8-41.

As for dep. claim 18 (part of 15 above), which deals with keeping account balance parameters, allowing for fluctuations in balance, this is inherently included in the teaching of JAUNICH/TSUI as shown in TSUI Figs. 1, 4-5, and pars. 0004, 0016, 0019, 0059, 0068 and especially par. 0072. Moreover, this is an "allow" clause: "to allow modification of ...." basically reads "permits/allows the user to do a task" and wherein the "task" is "modification of the information". In other word, permitting/allowing an action" is different from actually "performing an action" and thus having no patentable weight. "Allowing", "causing" or "permitting" only requires "serving as the reason" for an "action" though, not necessarily performing the action. This can be done by issuing commands or orders, or entering into contracts. So even though the entity may do something later with the equipment that is in the technological arts, the positively recited steps of merely "causing" can be done without operating the equipment and is not in the technological arts. Variations on this theme have been seen in other cases, using terms like "allowing" or "permitting" an action, e.g. "allowing a user to search a database". Again, these functions (elements or steps) are distinct from actually doing the action, e.g. "modifying the input data..." and the current claim

language has no such function or structural element calling for "configured to modify" or "step/means for modifying".

As for dep. claims 19-22 (part of 15 above), which basically deal with well known energy price and delivery optimization of renewable power sources, i.e. offering a sale a unit of power (amount), price negotiation, time of delivery, etc., when market price is favorable since regenerative electric power normally has **lower price** than fossil fuel electric power and more environmentally friendly energy, these are fairly taught in JAUNICH col. 2, lines 6-40, col. 3, lines 52, and col. 4, lines 55-67: "... ***lower price ... by wind energy ...*** *wind company 10 can generate electric power over and above* ***what is required by utility company to sell on the open market ... consumers*** ... ***purchase electric energy that was generated by a more environmentally friendly means***..." *and TSUI* Figs. 1, 2, pars. [0025-0050] and [0083-0086].

As for dep. claim 23 (part of 15/21 above), which deals with well known general or specific communication exchange upon an event, i.e. notifying an operator of the wind power production facility upon selling a unit of power, etc., this is taught in JAUNICH on col. 2, lines 1-40, col 3, lines 5-45 or TSUI Figs. 1, 3C and 5. The communication of any other events related to energy generation and marketing/selling would have been obvious as mere applying the same communication exchange to any other events if desired. Note that the selection a known step on the basis of its suitability for the intended use as a matter of obvious design choice is within the general skill of a skilled artisan and/or would have been obvious. *In re Leshin, 125 USPQ 416.*

As for dep. claim 24 (part of 15/21 above), which deals with well known electrical energy producing and marketing (selling) management parameters, i.e. obtaining a transmission rights for transferring of power output, this is inherently included in the teachings of JAUNICH as shown on col. 1, lines 53-57, col. 2, lines 4—67, col. 3, lines 27-50, col. 4, lines 5-65 and TSUI Figs. 1, 3C and 4-5. Note that JAUNICH teaches the selling of renewable power over and above what is required by utility company to sell on the open market and to other regions to allow consumers located in other regions of the country the opportunity to purchase electric energy that was generated by a more environmentally friendly means, therefore, fundamental engineering issue such as transmission grid capabilities, obtaining a right, etc., must be evaluated in advance before a selling event can be taken place.

As for dep. claim 25 (part of 15/21 above), which deals with energy producing and marketing (selling) management parameters, i.e. offering meteorological data along with renewable power output delivery data, this is taught in JAUNICH as shown on col. 3, lines 5-26 and TSUI Figs. 1, 3C and 4-5.

As for dep. claim 26 (part of 15/21 above), which deals with energy producing and marketing (selling) management parameters, i.e. offering meteorological data along with renewable power output delivery data, this is taught in JAUNICH as shown on col. 3, lines 5-26 and TSUI Figs. 1, 3C and 4-5.

As for dep. claim 27 (part of 15/21 above), which deals with energy producing and marketing (selling) management parameters, i.e. selling a predetermined amount of

energy, this is taught in JAUNICH as shown on col. 3, lines and col. 4, lines 55-67 and TSUI Figs. 1, 3C and 4-5.

As for dep. claims 28-30 (part of 15 above), which basically deal with load controlling/adjusting parameters using communication parameters, i.e. data message or informing of issues, these are fairly taught in JAUNICH Fig. 1, col. 2, lines 8-45, col. 3, lines 5-35, col. 4, lines 5-65 or TSUI Figs. 1, 3C and 4-5.

6. Dependent claims 25-26 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over JAUNICH /TSUI as applied to claims 15-16, 18-21 above, and further in view of Article "Short-Term Wind Forecasting".

The teachings of JAUNICH /TSUI is cited above.

In a similar method for coordinating power output between several power generators/producers wherein one of the power generator/producer is a renewable power (wind energy generator), **Article "Short-Term Wind Forecasting"** discloses the well known issue of renewable power management in the energy market such as wind plant owners and operators can maximize the value of the energy they produce, for example, by contracting to sell excess wind power to others when available, or by purchasing in advance on the spot market to cover shortfalls in **contractual obligations** in order to persuade utility companies and other power suppliers and purchasers to increase their use of wind energy and raise wind capacity payments {see pager 1062, below "Introduction", left hand column.

Article "Short-Term Wind Forecasting" also teaches offering meteorological data along with renewable power output delivery data on pages 1064-1065 under “The E &

Wind Interface" and "The Benefits of Wind Forecasting" to display **confidence intervals** and likely range of deviation – information that may be of **critical value** to utility plant dispatchers and energy and transmission traders seeking to **optimize their strategies**. The availability of timely, useful, and accurate wind forecasts **significantly increases the value of wind energy** to wind plant owners, utilities companies, and their customers.

Therefore, it would have been obvious to a person having ordinary skill in the art (herein after as "PHOSITA") at the time of the invention was made to modify the system of JAUNICH /TSUI by offering meteorological data along with renewable power output delivery data and estimating a likelihood of delivery using said data as taught by Article "Short-Term Wind Forecasting" for at least one of the benefits cited above which is providing critical value to utility plant dispatchers and energy and transmission traders seeking to **optimize their strategies**. The availability of timely, useful, and accurate wind forecasts **significantly increases the value of wind energy** to wind plant owners, utilities companies, and their customers.

As for dep. claim 26 (part of 15/21 above), which deals with energy producing and marketing (selling) management parameters, i.e. offering meteorological data along with renewable power output delivery data, this is taught in JAUNICH as shown on col. 3, lines 5-26. This is also taught in Article "Short-Term Wind Forecasting" pages 1064-1065 under "The E & Wind Interface" and "The Benefits of Wind Forecasting".

7. **Claims 15-16, 18-30 are rejected (2nd time) under 35 U.S.C. 103(a) as obvious over JAUNICH (US 6,605,880) in view (2) TSUI and (3) HASEGAWA ET AL (US 6,563,234).**

As for independent method claim 15, the teaching of JAUNICH / TSUI is cited above.

In a similar method for coordinating power output between several power generators/producers wherein one of the power generator/producer is a renewable power (wind energy generator), **Article "Short-Term Wind Forecasting"** discloses the well known issue of renewable power management in the energy market such as wind plant owners and operators can maximize the value of the energy they produce, for example, by contracting to sell excess wind power to others when available, or by purchasing in advance on the spot market to cover shortfalls in **contractual obligations** in order to persuade utility companies and other power suppliers and purchasers to increase their use of wind energy and raise wind capacity payments {see pager 1062, below "Introduction", left hand column.

Therefore, it would have been obvious to a person having ordinary skill in the art (herein after as “PHOSITA”) at the time of the invention was made to modify the system of JAUNICH by contracting to sell excess wind power to others when available, or by purchasing in advance on the spot market to cover shortfalls in contractual obligations as taught by Article "Short-Term Wind Forecasting" as taught by Article "Short-Term Wind Forecasting" in order to persuade utility companies and other power suppliers and purchasers to increase their use of wind energy and raise wind capacity payments.

In a similar method for coordinating power output between several power generators/producers wherein one of the power generator/producer is a renewable power (wind energy generator), **HASEGAWA ET AL** discloses the steps of:

a) producing and applying to transmission lines a predetermined amount of electric power collectively provided by from the renewable power production facility and from said another power production facility, said renewable power production facility applying a variable amount of electric power, and said another power production facility applying a controllable amount of electric power;

{see Figs. 1, 5, col. 2, lines 10-65, col. 3, lines 5-65, col. 5, lines 1-35}

b) determining with a hardware processor that a produced amount of power ~~the variable amount~~ of power produced by the renewable power production facility deviates from a threshold by a predetermined quantity;

{see Figs. 1, 2, 3, cols. 5-6, col. 7, lines 1-10}

c) informing via digital communications said another power production facility of said predetermined quantity;

{see Figs. 2, 3, 5, cols. 5-6}

d) adjusting and applying to the transmission lines a power output of said another power production facility by an amount that corresponds with said predetermined quantity ~~so as to compensate~~ and compensating for any deviation from the threshold by the renewable power production facility and have a resultant total power produced by or

on behalf of the renewable power production facility to be approximately at said threshold.

{see Figs. 2, 3, 5, cols. 5-6}

The system of HASEGAWA ET AL provides a power system **stabilization system** employing a rechargeable battery system that have the advantageous features of **rapidly** preventing a customer from significantly fluctuating in load and preventing power generation equipment from providing an output significantly fluctuating with weather conditions, such as wind power, to **reliably supply power** and maintained **a predetermined voltage** {see col. 2, lines 65}.

Therefore, it would have been obvious to a person having ordinary skill in the art (herein after as "PHOSITA") at the time of the invention was made to modify the system of JAUNICH/ TSUI by including the power system **stabilization system** employing a rechargeable battery system of HASEGAWA ET AL to obtain at least one of the benefit cited by HASEGAWA ET AL above which is **rapidly** preventing a customer from significantly fluctuating in load and preventing power generation equipment from providing an output significantly fluctuating with weather conditions, such as wind power, to **reliably supply power** and maintained **a predetermined voltage** {see col. 2, lines 65}.

Note that the system of HASEGAWA ET AL also teaches the concept of the another power production facility serves as the virtual energy storage mechanism by releasing stored resources to and processing power that covers a production shortfall by said renewable power production facility, and by increasing potential energy

capturing and storing resources at the another power production facility that offsets a production surplus by the renewable power production facility, as shown in Figs. 1, 5, 6 and 7.

As for dep. claims 16, 18-30 (part of 15 above), they are rejected for the same reasons set forth above.

Response to Arguments

8. Applicant's arguments on 8/13/2010 with respect to claims 15-16, 18-30 have been considered but are not persuasive in view of the following comments:

9. 1) Applicant's comment on page 9 that current claims of 15-30 correspond with original claims 116-131 from parent patent application Serial no. 09/749,999, which is entitled to a filing date of December 20, 2000, this is not found persuasive because, as shown in Serial no. 09/749,999, claim 116 is shown below:

116. A method for coordinating power output from a renewable power production facility with another power production facility so as to implement a virtual energy storage mechanism for the renewable power production facility, comprising steps of:

a) producing a predetermined amount of electric power from the renewable power production facility;

b) determining that an amount of power produced by the renewable power production facility deviates from a threshold by a predetermined quantity;

c) informing another power production facility of said predetermined quantity;

and d) adjusting a power output at said other power production facilities by an amount that corresponds with said predetermined quantity.

Comparing to amended claim 15 above, it appears that the missing features as shown in step "(a) producing and applying..., (e) adjusting..., and (f) keeping an account balance....", do not derive from the specification of 09/749,999 but the new CIP of 09/881,001, as shown on pages 63-64, issues with respect to production obligation (agreement or contract), processing power that covers a production shortfall by the renewable power producing facility, potential energy capturing and storing resources, these are taught in 09/881,001 pages 63-64.

10. Applicant is requested to indicate the support for amended claim 15 verbatim in application 09/749,999 so proper time frame can be given.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

No claims are allowed.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct@uspto.gov. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

1. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

2. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to **571-273-8300**.
Hand delivered responses should be brought to the
US Patent and Trademark Office Customer Service Window:
Randolph Building
401 Dulany Street
Alexandria, VA 22314.

3. In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

4. Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday. Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at (571) 272-6805. The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689